

BILL NO. R-94-09-17 (as amended)

RESOLUTION NO. 61-94

A RESOLUTION AUTHORIZING AN
EXTENSION OF THE TERM OF THE
FRANCHISE GRANTED TO COMCAST
CABLEVISION OF INDIANA, L.P. TO
OPERATE A CABLE COMMUNICATIONS
SYSTEM.

WHEREAS, pursuant to Resolution R-37-94
attached hereto as Exhibit "A," the Common Council of the
City of Fort Wayne authorized the Fort Wayne Board of
Public Works to extend the term of the franchise granted
to Comcast Cablevision of Indiana, L.P. up to August 19,
1994; and

WHEREAS, the Franchise expired on or about
December 19, 1993, leaving both Comcast and the City
without an effective cable communications franchise
unless the Franchise is extended; and

WHEREAS, the City has received timely notice
from Comcast of its intent to renew the Franchise; and

WHEREAS, the City, through its Board of Public
Works, has adopted Resolution _____ extending the
term of the Franchise up to June 1, 1995, to allow time
to complete a Franchise renewal process.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution _____ of the
Fort Wayne Board of Public Works, attached hereto as
Exhibit "B," extending the term of the franchise granted
to Comcast Cablevision of Indiana, L.P, up to June 1,
1995, is hereby approved, ratified, and confirmed, except

that the term of the Franchise is extended up to Jan. 31, 1995,
to allow time to complete a Franchise renewal process.

1 SECTION 2. That this Ordinance shall be in
2 full force and effect from and after its passage and any
3 and all necessary approval by the Mayor.

4 Don J. Schmitter
5 Council Member

6 APPROVED AS TO FORM
7 AND LEGALITY

8 J. Timothy McCauley
9 J. TIMOTHY MCCAULAY, CITY ATTORNEY



BILL NO. R-94-06- 05

RESOLUTION NO. Q-37-94

A RESOLUTION AUTHORIZING AN
EXTENSION OF THE TERM OF THE
FRANCHISE GRANTED TO COMCAST
CABLEVISION OF INDIANA, L.P. TO
OPERATE A CABLE COMMUNICATIONS
SYSTEM.

WHEREAS, pursuant to Resolution R-71-93
attached hereto as Exhibit "A," the Common Council of the
City of Fort Wayne authorized the Fort Wayne Board of
Public Works to extend the term of the franchise granted
to Comcast Cablevision of Indiana, L.P. up to June 19,
1994; and

WHEREAS, the Franchise expired on or about
December 19, 1993, leaving both Comcast and the City
without an effective cable communications franchise
unless the Franchise is extended; and

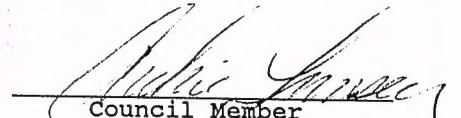
WHEREAS, the City has received timely notice
from Comcast of its intent to renew the Franchise; and

WHEREAS, the City, through its Board of Public
Works, has adopted Resolution 81-88-16 extending the term
of the Franchise up to August 19, 1994, to allow time to
complete a Franchise renewal process.


NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution 81-88-16 of the
Fort Wayne Board of Public Works, attached hereto as
Exhibit "B," extending the term of the franchise granted
to Comcast Cablevision of Indiana, L.P. up to August 19,
1994, is hereby approved, ratified, and confirmed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

A RESOLUTION of the City of Fort Wayne Board of Public Works authorizing an extension of the term of the franchise granted to Comcast Cablevision of Indiana, L.P. to operate a cable communications system in the City of Fort Wayne, Indiana.

Resolution No. 81-143-26

- WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a cable television franchise ("Franchise") to Citizens Cable of Fort Wayne, Indiana, which was subsequently transferred to Comcast Cablevision of Indiana, L.P. ("Comcast") for a term of 15 years; and
- WHEREAS, the City and Comcast began discussions on renewing the Franchise in 1993; and
- WHEREAS, the City has thrice extended the Franchise to accomodate the ongoing Franchise Renewal negotiations; and
- WHEREAS, the most recent Franchise extension, approved by Board of Public Works Resolution 80-265-6, expired on August 19, 1994; and
- WHEREAS, the City and Comcast desire to extend the term of the Franchise to allow time to complete the renewal process; and
- WHEREAS, the City acknowledges that Comcast will not, by virtue of accepting an extension of the Franchise term, waive any of its renewal rights under Section 626(a) through Section 626(g) of the Cable Communications Policy Act of 1984, as amended;

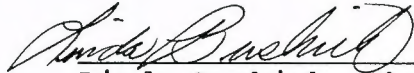
NOW, THEREFORE, the Board of Public Works hereby resolves that:

1. Comcast is authorized to operate the cable television system in Fort Wayne, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on the expiration date of the Franchise as previously extended (August 19, 1994), and continuing through either the date on which the Franchise is renewed, or June 1, 1995, whichever shall first occur;
2. During said period, the City and Comcast shall have all of the rights and obligations of "City" and "Grantee", respectively, under the Franchise;
3. During said period, the City and Comcast shall work together in good faith to renew the Franchise;

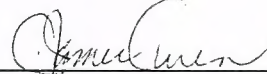
4. This Resolution shall become effective upon the occurrence of the following conditions: 1) Adoption by the Fort Wayne Board of Public Works; 2) Adoption by the Fort Wayne Common Council; 3) Comcast's acceptance of the extension of the Franchise as provided in this Resolution for the term specified in paragraph (1) above, provided Comcast accepts the Extension within seven (7) days from the date this Resolution is adopted by the Fort Wayne Common Council.

Adopted by the Board of Public Works this 14 day of September, 1994.

BOARD OF PUBLIC WORKS



Linda Buskirk, Chairman



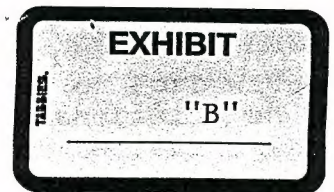
C. James Owen, Member

ATTEST:



Patricia J. Grick, Clerk

A RESOLUTION of the City of Fort Wayne Board of Public Works authorizing an extension of the term of the franchise granted to Comcast Cablevision of Indiana, L.P. to operate a cable communications system in the City of Fort Wayne, Indiana.



Resolution No. 81-143-26

*Comcast
8-94-09-17*

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a cable television franchise ("Franchise") to Citizens Cable of Fort Wayne, Indiana, which was subsequently transferred to Comcast Cablevision of Indiana, L.P. ("Comcast") for a term of 15 years; and

WHEREAS, the City and Comcast began discussions on renewing the Franchise in 1993; and

WHEREAS, the City has thrice extended the Franchise to accomodate the ongoing Franchise Renewal negotiations; and

WHEREAS, the most recent Franchise extension, approved by Board of Public Works Resolution 80-265-6, expired on August 19, 1994; and

WHEREAS, the City and Comcast desire to extend the term of the Franchise to allow time to complete the renewal process; and

WHEREAS, the City acknowledges that Comcast will not, by virtue of accepting an extension of the Franchise term, waive any of its renewal rights under Section 626(a) through Section 626(g) of the Cable Communications Policy Act of 1984, as amended;

NOW, THEREFORE, the Board of Public Works hereby resolves that:

1. Comcast is authorized to operate the cable television system in Fort Wayne, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on the expiration date of the Franchise as previously extended (August 19, 1994), and continuing through either the date on which the Franchise is renewed, or June 1, 1995, whichever shall first occur;

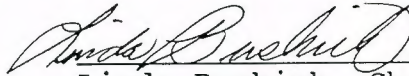
2. During said period, the City and Comcast shall have all of the rights and obligations of "City" and "Grantee", respectively, under the Franchise;

3. During said period, the City and Comcast shall work together in good faith to renew the Franchise;

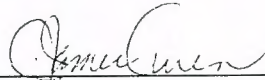
4. This Resolution shall become effective upon the occurrence of the following conditions: 1) Adoption by the Fort Wayne Board of Public Works; 2) Adoption by the Fort Wayne Common Council; 3) Comcast's acceptance of the extension of the Franchise as provided in this Resolution for the term specified in paragraph (1) above, provided Comcast accepts the Extension within seven (7) days from the date this Resolution is adopted by the Fort Wayne Common Council.

Adopted by the Board of Public Works this 14 day of September, 1994.

BOARD OF PUBLIC WORKS



Linda Buskirk, Chairman



C. James Owen, Member

ATTEST:



Patricia J. Grick, Clerk

Read the first time in full and on motion by Belmont, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 9/13/94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Belmont, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-11-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-61-94
on the 11th day of October, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of October, 1994, at the hour of 11:30 o'clock 7 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of October,

1994, at the hour of 5:00 o'clock 8 P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



The City of Fort Wayne

Paul Helmke, Mayor

DATE: September 12, 1993
TO: Fort Wayne Common Council
FROM: David Hawk, Esq.
Cable Franchise Advisory Committee
SUBJECT: Comcast contract extension request

9-94-09-17
(as amended)

In April, 1993, the Fort Wayne Common Council extended the franchise contract between the City of Fort Wayne and Comcast Cablevision of Indiana L.P. by five months, to expire on December 19, 1993. The purpose of that extension was to allow the City time to continue its informal process of renewing the franchise contract with Comcast.

The City issued its "Request for Proposal" for the franchise renewal on August 27, 1993, which requested that Comcast submit its response within 45 days. Comcast asked for an extension of that time, and the City gave the company until November 1, 1993, to submit its application.

The Cable Franchise Advisory Committee was confident that a final agreement could be reached between November 1 and the December 19, 1993, expiration of the Comcast franchise contract. However, the application/response submitted by Comcast on November 1, 1993, did not address most of the issues that must be included in a new franchise agreement.

At that time, in order to continue negotiations, the administration asked the Board of Public Works and City Council to approve a six-month extension of the Comcast franchise contract. Approval was granted, extending the franchise to June 19, 1994.

Negotiations continued, and the City negotiating team (David Hawk, David Long and Steven Fortriede, along with consultant Adrian Herbst), came to agreement with Comcast on several issues. By June, it was the Committee's belief that an additional sixty days would give the City time to determine if it will be able to come to a new franchise agreement with Comcast, or if the City should seek a new direction for cable television services in Fort Wayne. City Council agreed to extend the franchise agreement until August 19, 1994.

Now that date has come and gone with no agreement. The negotiating committee is now determining whether to begin what is defined by federal law as a "formal process" for franchise negotiations. This process could take at least one year to complete.

Therefore, in order to guarantee additional time to reach the best possible franchise agreement for the citizens of Fort Wayne, City Council is being asked to approve extending the existing Comcast franchise until June 1, 1995.

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE AUTHORIZES COMCAST TO OPERATE THE
CABLE TELEVISION SYSTEM IN FORT WAYNE THROUGH EITHER THE
DATE ON WHICH THE FRANCHISE IS RENEWED OR JUNE 1, 1995;
WHICHEVER OCCURS FIRST.

EFFECT OF PASSAGE ALLOWS COMCAST TO OPERATE THE CABLE
TELEVISION SYSTEM IN FORT WAYNE UNTIL FRANCHISE IS
RENEWED.

EFFECT OF NON-PASSAGE LEAVES THE CITY WITHOUT A CABLE
COMMUNICATIONS FRANCHISE.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-94-09-17 *(as amended)*

REPORT OF THE COMMITTEE ON
FINANCE
CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR
ARCHIE L. LUNSEY
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) authorizing an extension
of the term of the Franchise granted to Comcast Cablevision of Indiana,
L.P. to operate a Cable Communications system

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

DO PASS *as amended*

DO NOT PASS

ABSTAIN

NO REC

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

DATED: *10-11-94*

Sandra E. Kennedy
City Clerk